

Is Brantford Six Nations?

by Paul Barnsley

SIX NATIONS - Band council will claim over 80% of the city of Brantford for Six Nations when its lawsuit against Canada and Ontario proceeds in Provincial court.

Surrender number 30, which was signed by 28 Sachems and Chiefs of the Six Nations exactly 165 years ago today on April 19, 1830, sold 807 acres of land - land that came to be known as the Brantford townplot - to the Crown for "5 shillings of lawful money of Upper Canada."

The land was surrendered to the Crown to be sold to third parties for the benefit of Six Nations, but Land Research Director Phil Monture says that happened in only about 15% of the sales.

"There are lots that are lying there in Brantford not paid for - Brantford knows it, Canada knows, we know it," said Monture.

The research office has the data to pinpoint which lots are paid, which aren't, which were granted free and which are



Eaton Market Square in downtown Brantford - Six Nations land?

unaccounted for. Monture estimates his staff knows the history of all but about 2% of the lots.

Six Nations claims the Crown sold the 807 acres surrendered for the Brantford townplot with-

out obtaining full and fair compensation for Six Nations.

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Monture wants to see the Crown's records for the sale of the lots in the Brantford townplot. "The land was laid out in quarter-acre lots. The Crown was supposed to sell the land for 10 pounds (\$40) per lot. Any sale under 10 pounds was a breach of trust. We're telling the Crown to produce its records or the surrender itself becomes questionable."

Surrender number 30 was one of several that Six Nations says were not handled properly. It will get a lot of attention because it effects Brantford's central core. Compensation is not an issue in the lawsuit, which asks only for an accounting from the Crown of its activities in carrying out its trustee obligations, but the question of compensation arises. The Specific Claims Policy administrators will not displace third parties who reside on land under claim. If the claim is accepted as valid then the First Nation is compensated either financially or with lands of similar value. Monture feels the prohibitive cost of reimbursing Six Nations for the value of the city of Brantford has led the federal government to drag its feet in dealing with the claim.

Monture says the surrender was originally entered into by Six Nations because squatters on the Haldimand tract lands around the site of present-day Brantford had become a serious problem.

"Between 1798 and 1830 there was no legal reason for anyone other than Six Nations people to be on the land but the settlers kept moving in. As a way of controlling the squatters the Chiefs decided to surrender this land which was to be laid out in lots and sold to the settlers for the benefit of Six Nations," said Monture. "The issue of the squatters did not stop. The land just got filled in by new squatters."

Adding to the Crown's problem in explaining where the money went when it accepted the surrender which gave it the legal authority to sell the land on Six Nations behalf is the allegation that the surrender itself was illegal. Monture says his staff have been unable to find a record of the Executive Council of Upper Canada giving its approval for the surrender.

"There's no Order in Council for the townplot surrender," Monture says.